

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

In Re:)
)
Benjamin Aguilar Favila, *aka* Benjamin A Favila, *aka*)
Benjamin Favila and Kristen Marie Favila, *aka* Kristen M) Case No. 20-80752-bks
Favila, *aka* Kristen Favila, *Debtors*)
) Chapter: 13
Wells Fargo Bank, N.A, as Trustee for Park Place Securities,)
Inc. Asset-Backed Pass-Through Certificates Series 2004-)
WHQ2, by PHH Mortgage Corporation, *Creditor*)
)
vs.)
)
Benjamin Aguilar Favila, *aka* Benjamin A Favila, *aka*)
Benjamin Favila and Kristen Marie Favila, *aka* Kristen M)
Favila, *aka* Kristen Favila, *Debtors*)
)
and)
)
Kathleen Laughlin, *Trustee*)

AFFIDAVIT OF DEFAULT AND FAILURE TO CURE

Comes Now, Wells Fargo Bank, N.A, as Trustee for Park Place Securities, Inc. Asset-Backed Pass-Through Certificates Series 2004-WHQ2, by PHH Mortgage Corporation, by and through its attorney of record, Wendee Elliott-Clement of SouthLaw, P.C., and request the Clerk, pursuant to Rule Fed. R. Bankr. P. 4001; Neb. Bankr. Rule 9019-1(c); and 11 U.S.C. §362(d), to enter default against Benjamin Aguilar Favila, and Kristen Marie Favila, in the above title action for failure to plead, answer or otherwise defend as set forth below:

1. The parties entered into a Conditional Order Granting Relief from the Automatic Stay with Curative Provisions on January 8, 2021, which required the Debtor to make certain payments in addition to the regular ongoing mortgage payment.
2. The Debtor failed to comply with the terms of the Conditional Order and is in default thereof.
3. Creditor sent a Letter of Default to Debtor, Debtor's Counsel, and the Chapter 13 Trustee on May 19, 2021. Debtor failed to cure the default within fifteen (15) days.

4. Cause exists pursuant to 11 U.S.C §362(d) to lift the Automatic Stay

Creditor is entitled to immediate relief from the automatic stay of 11 U.S.C. §362 without the necessity of further hearing.

SOUTHLAW, P.C.



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ATTORNEYS FOR CREDITOR

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this 9th day of June, 2021, by:


Notary Public